

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
~~LYNCHBURG DIVISION~~
Charlottesville

CLERK'S OFFICE U.S. DIST. COURT
AT LYNCHBURG, VA
FILED *for C'ville*
AUG 08 2007
JOHN F. CORCORAN, CLERK
BY: *J. Fisher*
DEPUTY CLERK

ROY M. TERRY, *et al.*,

Plaintiff,

v.

MICHAEL J. HARDESTY, *et al.*

Defendants.

CIVIL ACTION No. 3:04-CV-00084

ORDER

JUDGE NORMAN K. MOON

This action is before the Court on the Report and Recommendation of the Magistrate Judge. He recommends approval of the parties' May 24, 2007 Motion for Approval of Compromise Agreement. No objection has been filed. The cost of litigation in this case already exceeds the amount available for settlement. The Receiver has agreed to reduce his fees to equal the amount proffered by Defendant, so that there will be no net loss to investors. Considering that a full trial of the case will vastly increase the cost of recovery, and the insolvency of the defendants makes it unlikely that they will pay the full value of a judgment, I find that settlement at this point is in the best interests of the defrauded investors. I therefore ADOPT the reasoning of the Report in full, GRANT the Motion for Approval, and order the case DISMISSED with prejudice.

The Clerk of the Court is directed to send a certified copy of this Order to all counsel of record.

ENTERED: Merrill Moore

U.S. District Judge

August 8, 2007

Date